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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,068	11/17/2003	Kia Silverbrook	ZG011US	9920

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AUSTRALIA

EXAMINER	
HSIEH, SHIH WEN	

ART UNIT	PAPER NUMBER
2861	

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/713,068	SILVERBROOK, KIA	
	Examiner	Art Unit	
	Shih-wen Hsieh	2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☒ Claim(s) *6 and 7* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11-17-03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-5 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,652,078 B2 ('078) in view of Silverbrook (US 6,281,912 B1) ('912). Both cases deal with ink jet head, ink supply, etc. below is a table of comparison between claims, and the difference is taught by Silverbrook ('912):

In regard to:

Claim 1:

10/713,068	**6,652,078 B2**
1. An inkjet print head assembly which comprises a carrier; an ink supply assembly that is mounted on the carrier and defines a plurality of print head chip receiving formations that are each dimensioned to engage a print head chip and a plurality of ink supply	1. A print head assembly having a plurality of print head chips for printing on a print medium as the print medium moves in a feed direction, the print head assembly comprising an ink distribution molding that defines a number of ink ducts that each

conduits that terminate at the formations to supply ink to print head chips engaged with the formations; and a plurality of inkjet print head chips that are engaged with respective said formations to receive the ink via passages defined by the print head chips in fluid communication with respective ink supply conduits, **the ink supply assembly further defining a gas flow path that terminates at each formation, the ink supply assembly being connectable to a pressurized gas supply so that gas can be directed over each print head chip to inhibit the build-up of dust and debris on the print head chips.**	correspond with an ink of a particular color and a number of sets of transitional ducts, each set of transitional ducts being in fluid communication with a respective ink duct; a micro-molded ink distribution structure that is mounted on the ink distribution molding, the ink distribution structure defining a plurality of sets of inlet openings, each set of inlet openings corresponding to an ink of a particular color and being in fluid communication with a transitional duct, the ink distribution structure further defining a plurality of converging ink pathways in fluid communication with respective openings, and a plurality of slots extending towards the print head chips, each slot being in fluid communication with a respective ink pathway; an array of the print head chips, the print head chips each having a plurality of ink passages in fluid communication with, and interposed between respective slots and respective nozzles of the print head chips, the print head chips being positioned on the structure to span the print medium so that both the ink distribution molding and the ink distribution structure span the print medium; and an inlet conduit for each color ink to be printed by the array, the inlet conduits being in fluid communication with respective ink ducts and oriented on a line that is parallel to said feed direction.

From the table above, the subject matters in the instant application such as: ink supply assembly, a plurality of print head chips, passages defined by the print head chips are obvious over those in patent ('078). A plurality of print head chip receiving

formations in the instant application are obvious structures in an ink supply assembly, such as a cartridge. Generally, at the bottom of the cartridge, or the so-called snout portion, a print head is attached to.

The difference between instant application and patent ('078) is as hi-lited in the instant application above:

the ink supply assembly further defining a gas flow path that terminates at each formation, the ink supply assembly being connectable to a pressurized gas supply so that gas can be directed over each print head chip to inhibit the build-up of dust and debris on the print head chips.

Silverbrook ('912) teaches such a feature as indicated in his figs. 6 and 27 (34: ink inlet ports; 61: air inlet port; 35: ink distribution molding; 41: air duct; 93: ink cassette; 96: air inlet; 98: air pump), refer to col. 4, lines 45-63 and col. 7, lines 4-32.

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the device of Silverbrook ('078) to include air supply feature as taught by Silverbrook ('912) for the purpose of cleaning the orifices.

Claim 2:

An inkjet print head assembly as claimed in claim 1, in which the ink supply assembly includes an ink conduit structure, the ink conduit structure defining a plurality of converging ink conduits that are in fluid communication with respective passages of the print head chips and an ink distribution structure that is connected to the ink conduit

structure, the ink distribution structure defining a plurality of ink ducts, each ink duct being in fluid communication with a respective set of ink conduits.

Claim 3:

An inkjet print head assembly as claimed in claim 2, in which the ink distribution structure defines a gas duct and the ink conduit structure defines a number of gas conduits in fluid communication with the gas duct, such that the gas duct and the gas conduits define the gas flow path.

Claim 4:

An inkjet print head assembly as claimed in claim 3, in which a valve closure is positioned in the gas duct, the valve closure defining a valve chamber in fluid communication with the supply of gas and an opening between the valve chamber and the gas duct, the valve closure being displaceable relative to the gas duct between an open position in which gas is permitted to enter the gas duct and a closed position in which gas is inhibit from entering the gas duct.

Claim 5:

An inkjet print head assembly as claimed in claim 4, which includes a platen assembly that is mounted on the carrier and is displaceable between an operative position to support a print medium as the print head chips carry out a printing operation on the print medium and an inoperative position, the platen assembly being connected to the valve closure to displace the valve closure into its open position when the platen assembly is displaced into its operative position.

Rejection:

Clams 2 and 3 are rejected on the basis as set forth for claim 1 discussed above. Claims 4 and 5 related to a valve structure designated as numeral (66, fig. 7) and platen designated as numeral (14, fig. 21), which are further taught by Silverbrook ('912), refer to col. 7, lines 4-32.

Allowable Subject Matter

3. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the allowance of claims 6 and 7 is the inclusion of the limitations of the ink conduit structure is in the form of a stack of sheets, each sheet having a plurality of openings and inwardly directed channels defined therein, the openings and channels being dimensioned and positioned so that, when the sheets are in the stack, the openings and channels together define the converging ink conduits, the sheets defining gas holes and gas passages that are positioned and dimensioned to define the gas conduits . It is these limitations found in each of the claims, as they are claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes these claims allowable over the prior art.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shih-wen Hsieh whose telephone number is 571-272-2256. The examiner can normally be reached on 7:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Talbott can be reached on 571-272-1934. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SHIH-WEN HSIEH
PRIMARY EXAMINER

Shih-wen Hsieh
Primary Examiner
Art Unit 2861

SWH
Jan. 27, 2005